



James P. Elia

Group Art Unit: 1647

**Examiner: Daniel C. Gamett**

For: METHOD FOR GROWING  
MUSCLE IN A HUMAN  
HEART

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to: MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450 on:

APRIL 9, 2009  
 \_\_\_\_\_  
 Signature Date of signature

**RESPONSE TO NOTICE  
REQUIRING EXTENSION OF TIME FEE**

MAIL STOP AF  
Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

Sir:

This letter responds to the April 6, 2009 Office communication entitled Notice Requiring Extension of Time Fee (copy attached) advising that the extension fee submitted with Applicant's Notice of Appeal, dated February 27, 2009, and received by the U.S. Patent and Trademark Office on March 3, 2009, was insufficient. The Notice further advised that a balance of \$15 was due.

04/14/2009 HVUDNG1 00000017 09836750

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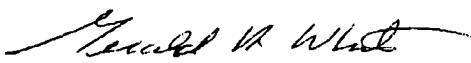
15.00 0P

Appellant hereby encloses Check No. 1734 in the amount of \$15.00 as required.

Appellant believes that the submission of the enclosed extension fee fully responds to the requirements of the above-identified Notice.

Respectfully submitted,

Dated: APRIL 9, 2009



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# UNITED STATES PATENT AND TRADEMARK OFFICE



04/06/2009

Gerald K. White  
GERALD K. WHITE & ASSOCIATES, P.C.  
205 W. Randolph Street, Suite 835  
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## UNITED STATES DEPARTMENT OF COMMERCE

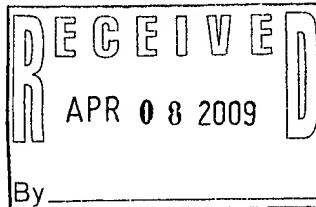
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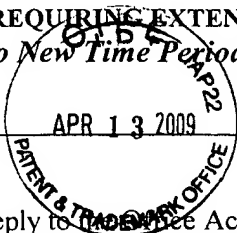
Paper No.

Application No.:	09/836,750	Date Mailed:	04/06/2009
First Named Inventor:	Elia, James, P.	Examiner:	GAMETT, DANIEL C
Attorney Docket No.:	1000-10-C01	Art Unit:	1647
Confirmation No.:	7239	Filing Date:	04/17/2001

Please find attached an Office communication concerning this application or proceeding.

Commissioner for Patents

<b>NOTICE REQUIRING EXTENSION OF TIME FEE</b> <i>No New Time Period is Provided</i>	<b>Application No.</b> 09/836,750	<b>Applicant(s)</b> ELIA, JAMES P.	
		<b>Art Unit</b> 3998	



Applicant's reply to ~~Notice~~ Office Action mailed on 02 October, 2008 was received in the Office on 03 March, 2009, which is after the expiration of the period for reply set in the Office action. The time period for reply continues to run from the mailing date of the Office action. This application will become ABANDONED unless applicant obtains an extension of time by filing a petition under 37 CFR 1.136(a) accompanied by the appropriate fee as set forth in 37 CFR 1.17(a)(1)-(5) within the maximum extendable time period for reply (e.g., six months for a reply to a non-final rejection).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee due. The expiration of the time period is determined by the amount of the fee paid. In no case may an applicant reply later than the maximum period of SIX (6) MONTHS statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action.

- ☐ 1. The appropriate extension of time fee is missing.
- ☒ 2. The extension of time fee submitted is insufficient.
- ☐ 3. The funds in Deposit Account No. \_\_\_\_\_ are insufficient to cover the entire fee due. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- ☐ 4. The Credit Card payment to cover the entire fee due to Account \_\_\_\_\_ (Card type + last 4 digits ONLY) was refused. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- ☒ 5. Other.

Explanation (*Provide specific details of the required correction in order to assist the applicant. Indicate whether a service charge has been added to the fee due*):

A two month extension of time for a small entity is \$245.00. There is a balance of \$15.00 due.

THE AMOUNT OF THE FEE(S) DUE IS SUBJECT TO CHANGE, GENERALLY ON OCTOBER 1 OF EACH YEAR (37 CFR 1.17 & 1.21). THE AMOUNT OF THE FEE(S) DUE IS DETERMINED AS OF THE DATE A COMPLETE REPLY WITH THE APPROPRIATE FEE(S) IS RECEIVED BY THE OFFICE (37 CFR 1.8 & 1.10). BECAUSE THE AMOUNT DUE IS SUBJECT TO CHANGE, IT IS RECOMMENDED THAT APPLICANT CHECK THE CURRENT FEE SCHEDULE WHICH IS AVAILABLE ON THE USPTO'S WEBSITE AT: <http://www.uspto.gov/web/offices/ac/qs/ope/fees.htm>

**Service Charges:** There is a \$50 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(m)). There is a \$25.00 service charge for each month when the balance of a deposit account is below \$1000 at the end of the month (37 CFR 1.21(b)(2)).

Technical Support Staff (TSS): /CORALIA BETANCOURT/

Telephone Number: (571)272-0509

**Note to TSS: Please do NOT use this notice if the application is under a final rejection.**